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**\*E-FILED - 4/30/09\***

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18  
19 In re CONSECO INSURANCE CO.  
20 ANNUITY MARKETING & SALES  
PRACTICES LITIG.

21 This Case Relates To:

22 ALL ACTIONS.  
23

Case No. C-05-04726-RMW  
And Related Cases

**CLASS ACTION**

**STIPULATION AND ORDER**  
[ ] **FOR SCHEDULING CLASS**  
**CERTIFICATION ISSUES**

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**STIPULATION**

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3       Whereas, the Court previously entered an order, setting a hearing on class  
4       certification for May 8, 2008;

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6       Whereas, the Parties hereto have in good faith explored the possibility of  
7       settlement of this lawsuit, have submitted the case to mediation, and are likely to  
8       return to mediation; and

9  
10      Whereas, the Parties delayed discovery on class certification issues while  
11       exploring settlement possibilities and request a postponement in the class  
12       certification hearing to enable them to complete class certification discovery.

13  
14      Now, therefore, Plaintiff and all Defendants hereby stipulate and agree to  
15       the following extension of time and scheduling relating to class certification:

16      1.     All class certification discovery shall be completed on or before July  
17  
18       1, 2009;

19      2.     Plaintiff shall file his Motion for Class Certification and all  
20       supporting documents on or before August 15, 2009;

21      3.     Defendants shall file their response on or before September 30,  
22  
23       2009;

24      4.     Plaintiff shall file his reply on or before October 21, 2009.

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26      The parties hereby request a hearing on Plaintiff's Motion for Class  
27       Certification to be scheduled by the Court at such time after October 21, 2009, as  
28

1  
2 determined by the Court.  
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4 DATED: March 23, 2009.  
5

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18 **ORDER [PROPOSED]**

19 The Court having considered the above stipulation and good cause appearing,

20 IT IS HEREBY ORDERED that the parties shall comply with the schedule set forth  
above.

21 IT IS FURTHER ORDERED that the hearing on Plaintiff's Motion for Class  
22 Certification shall be scheduled for October 23, 2009, at 9:00 in Courtroom 6 of this  
23 Court.

24 DATED: 4/30, 2009

25   
26 Ronald M. Whyte  
27 United States District Court Judge  
28



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